

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
February 23, 2009

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:30 p.m. on Monday, February 23, 2009.

Present and composing a quorum were:

Mayor Louis Cooper  
Mayor Pro-Tempore Jill Souter  
Councilman Stan McCormick  
Councilman Bobby Rosenthal  
Councilman Bill Kiel  
Councilwoman Susan Harwell

Also attending were:

City Manager Rebecca Waldman  
City Attorney Mike Brenan  
Assistant City Manager/Public Works Director Shawn P. Eddy  
Assistant to City Manager/Information Technology Manager Marian Ramirez  
Finance Director Cynthia Barr  
Community Development Director Ann McGlone  
Human Resource Manager/Deputy City Secretary Judith E. Surratt  
City Secretary Jennifer Reyna  
Fire Chief Bill Hagendorf  
Police Chief Rick Pruitt

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Mayor Louis Cooper opened the meeting at 5:36 p.m.

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Mayor Cooper asked City Council for any corrections to the minutes of the February 9, 2009, City Council Meeting. A motion was made by Councilman Bobby Rosenthal to approve the minutes as amended. The motion was seconded by Councilman Stan McCormick and passed by unanimous vote.

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*Citizens To Be Heard Concerning Non-Agenda Items*

Margaret Houston, 140 Patterson Avenue, provided details about the successful reception that featured local authors. The Alamo Heights Neighborhood Association reception was held on February 19, 2009, at the Twig Book Stop.

Lissa Martinez, 700 Alta Avenue, invited the community to participate in the upcoming annual Basura Bash, in support of the clean-up efforts at Olmos Creek. The Basura Bash is scheduled for Saturday, March 7, 2009. Ms. Martinez added that she prefer that this event be held more frequently than once a year to keep the accumulation of trash to a manageable level. Mr. Martinez informed Council that it would not be necessary for the City of Alamo Heights to provide a truck to haul away the collected trash due to prior negotiation with Waste Management.

Councilman Rosenthal recognized the presence of Boy Scouts of America, Troop #809, Bobcat Patrol in the audience. Mr. Hamlet Newsom, Patrol leader, introduced himself and explained they were present to observe the Council meeting as a requirement for their Citizenship in the Community merit badge.

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*Item # 3      City Manager's Report*

- a. Announcement of City's receipt of the Government Finance Officers Association Distinguished Budget Presentation Award

City Manager Rebecca Waldman informed the City Council that the City of Alamo Heights was awarded the Government Finance Officers Association Distinguished Budget Presentation Award. This is the first year the City has submitted the budget document for consideration and the municipality has received this award, in recognition of the FY2009 budget document.

Ms. Waldman thanked the entire Management Team and, in particular, Finance Director Cynthia Barr, Assistant City Manager/Public Works Director Shawn P. Eddy, and Assistant to the City Manager/IT Manager Marian V. Ramirez for their contributions. In addition, she thanked the Accountability and Management Council Committee for their guidance.

- b. Introduction of new Police Corporals Jim McGregor and Lyle Key

Police Chief Rick Pruitt introduced and shared the backgrounds of Officer Jim McGregor and Officer Lyle Key and informed City Council of their promotions to Corporal. Police Chief Pruitt explained what was involved in the promotion process and how the determination was made. Mayor Cooper and City Council congratulated the officers on their promotions.

- c. Update on Tree Canopy Preservation Program

Community Development Director Ann McGlone provided an update on the Tree Canopy Preservation Program and explained that Bartlett Tree Experts was hired to raise tree canopies and protect the trees from disease, beginning in the Sylvan Hills neighborhood. Ms. McGlone reported that the project was going well.

- d. Update on Comprehensive Plan, there was nothing new to report on this item.

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Mayor Cooper announced that Item No. 7, an Ordinance was postponed for future consideration.

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Consent Items

Item # 4 Mayor Cooper read the following caption.

**Interview with Mary Bartlett who has expressed interest in serving on a City of Alamo Heights board or commission**

Community Development Director Ann McGlone introduced Ms. Mary Bartlett to City Council. Ms. Bartlett shared her background and vision for the community and answered Councilmembers' questions on various issues.

Mayor Pro Tem Jill Souter stated that her husband and Ms. Bartlett are both employed with Marmon Mok Architects but that there was no financial interest related to Ms. Bartlett serving on a board or commission and was advised by City Attorney Mike Brennan that a recusal was not necessary.

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Consent Items

Item # 5 Mayor Cooper read the following caption.

**ORDINANCE NO. 1810**

**CONSIDERATION OF AN ORDINANCE REPEALING SECTION 6-51 COMPOSITION, OF CHAPTER 6, FIRE PREVENTION AND PROTECTION AND SECTION 14-26 GENERALLY, OF CHAPTER 14, POLICE, OF THE CODE OF ORDINANCES, WHICH ESTABLISHED THE NUMBER OF AUTHORIZED POSITIONS WITHIN THE FIRE AND POLICE DEPARTMENTS, SINCE THESE ARE NOW GOVERNED BY THE CITY CHARTER AND OPERATING BUDGET**

Councilwoman Harwell asked City Attorney Mike Brennan why the proposed item was not included in a prior update of the Code of Ordinances. Mike Brennan stated that updating the City Code of Ordinances is a gradual process because each section needs to be reviewed thoroughly. Councilwoman Harwell then asked if this was coordinated with the Governance Committee. Mike Brennan replied that it did not go to the Governance Committee because the

proposed ordinance is updating the Code of Ordinances to be consistent with the new City Charter and Adopted Operating Budget.

A motion for approval was made by Councilman Rosenthal. The motion was seconded by Mayor Pro Tem Souter and passed by unanimous vote.

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Items for Individual Consideration

Item # 6 Mayor Cooper read the following caption.

**A request for a demolition permit for 280 Tuxedo Avenue by Peter and Anne Bourne, owners, to demolish the existing two-story detached two-car garage for the purpose of constructing a carport with storage on a property zoned Single Family – A**

Community Development Director Ann McGlone made a PowerPoint presentation that included photos, an existing site plan and a proposed site plan. Ms. McGlone advised City Council that staff recommended approval.

Ann Bourne, 280 Tuxedo Avenue, stated that gradual progress had been made on the renovation of their house but that the garage was in such poor condition that it would be too costly to refurbish. Councilman McCormick asked about the age of the house. Ms. Bourne replied that the house was built in 1929.

Councilman Bill Kiel asked Ms. Bourne if any trees would be affected by this demolition. Ms. Bourne reported that there is a small cedar elm tree that may be removed or kept in the landscaping. However, she has permission from the city to remove if it becomes necessary.

A motion for approval was made by Mayor Pro Tem Souter. The motion was seconded by Councilman Kiel and passed by unanimous vote.

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Item # 8 Mayor Cooper read the following caption.

**ORDINANCE NO. 1811**

**AN ORDINANCE APPROVING AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH PROJECT CONTROL OF TEXAS, INC. TO PROVIDE PROJECT MANAGEMENT SERVICES RELATED TO THE PROPOSED CONSTRUCTION OF MUNICIPAL FACILITIES**

Assistant City Manager/Public Works Director Shawn Eddy provided a PowerPoint presentation which outlined the Request for Qualifications (RFQ) process. Mr. Eddy provided information on Project Control of Texas, Inc. Mr. Eddy reported that the Facility Committee recommended approval.

Mr. Eddy introduced Mr. Dick McNary, Project Executive/Senior Vice President for Project Control of Texas, Inc. Mr. McNary thanked the City Council for the opportunity to serve as the Project Manager for the construction of the municipal facilities.

A motion for approval was made by Mayor Pro Tem Souter. The motion was seconded by Councilman Kiel and passed by unanimous vote.

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*Item # 9* Mayor Cooper read the following caption.

#### **ORDINANCE NO. 1812**

**AN ORDINANCE AMENDING CHAPTER 19 – WATER AND SEWER OF THE CODE OF ORDINANCES BY ADOPTING NEW REQUIREMENTS FOR COMPLIANCE WITH THE REGULATORY PROVISIONS OF THIS CHAPTER, ADOPTING BY REFERENCE SAN ANTONIO WATER SYSTEM (SAWS) CONSTRUCTION AND MATERIALS SPECIFICATIONS, REVISING THE CITY’S POLICY REGARDING DEPOSITS, ESTABLISHING WATER AND SEWER CUSTOMER CATEGORIES AND FEES, REVISING THE CITY’S POLICIES REGARDING LATE PAYMENT CHARGE, CHANGING THE WATER SUPPLY ACQUISITION FEE TO A WATER CONSERVATION FEE AS ADOPTED IN THE FY 2008-09 ANNUAL BUDGET, INCREASING THE FEES FOR THE USE OF CITY HYDRANT METER/BACKFLOW PREVENTION ASSEMBLIES AND RELATED WATER USE, ESTABLISHING A ONE-TIME WATER IMPACT FEE FOR EACH ADDITIONAL EFFECTIVE WATER CONNECTION CREATED THROUGH DEVELOPMENT, ADOPTING REVISED STAGE INDICATORS FOR GROUNDWATER USE REDUCTION PROGRAM AND AUTHORIZING TERMINATION OF WATER SERVICE IF WATER LEAKS ARE NOT REPAIRED AFTER NOTICE TO REPAIR**

Assistant City Manager/Public Works Director Shawn Eddy made a PowerPoint presentation that outlined the water and sewer code revisions. Included in the code revisions were water meters/irrigation meter fees, water conservation fees, hydrant meter fees and water impact fees. Mr. Eddy also presented information on adoption of revised stage indicators for groundwater use reduction program. Staff recommended approval.

Councilwoman Susan Harwell asked if the City has an inventory of backflow preventers. Mr. Eddy stated that there is an inventory of backflows preventers but not an inventory of which properties should have backflow preventers and do not. Councilwoman Harwell suggested that staff hire a summer intern to develop a thorough inventory.

There was discussion among the City Councilmembers regarding a conservation plan. Mr. Eddy stated that the City of Alamo Heights is contemplating a partnership with San Antonio Water System (SAWS) to implement conservation programs.

Mr. Eddy introduced to the City Councilmembers the creation of a new irrigation customer class and fees for irrigation meters. There was discussion among the City Councilmembers regarding this proposed new class.

Mr. Eddy thanked Finance Director Cynthia Barr and Utility Coordinator Lety Hernandez for their assistance in providing input on customer service (late fees and deposits) related to the amendment code.

Margaret Houston, 140 Patterson Avenue, provided suggestions in determining the category size of a leak. Ms. Houston stated that education is needed to be part of a water conservation plan.

A motion for approval was made by Councilman Kiel. The motion was seconded by Councilwoman Harwell and passed by unanimous vote.

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*Item # 10* Mayor Cooper read the following caption.

### **ORDINANCE NO. 1813**

#### **AN ORDINANCE AMENDING CHAPTER 16 – STREETS AND SIDEWALKS OF THE CODE OF ORDINANCES BY ADOPTING A NEW ARTICLE VIII. TITLED “RIGHT OF WAY MANAGEMENT”**

Assistant City Manager/Public Works Director Shawn Eddy provided a PowerPoint presentation on amending Chapter 16, Code of Ordinances. The proposed action outlined administration, inspection, construction standards, restoration of pavement, sidewalk and lane closure permit fees, right of way permit and fee exemptions and exemptions for maintenance of sewer laterals by single family residents. The action was described to regulate excavations in paved streets which often significantly degrade and shorten the life of the surface of the streets. Mr. Eddy stated that this ordinance was needed to protect recent public investments in the structural integrity of City streets. Staff recommended approval.

Margaret Houston, 140 Patterson Avenue, asked who may enforce the code during the absence of the Public Works Director. Mr. Eddy stated that Assistant Public Works Director Pat Sullivan would oversee the compliance of the code.

A motion for approval was made by Councilwoman Harwell. The motion was seconded by Councilman Kiel and passed by unanimous vote.

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### Staff Reports

#### **Item No. 11 Presentation of the legal process and other information related to the consideration of the City's proposed Storm Drainage Ordinance and fees**

Mr. Eddy informed the City Council of the legal process and other information related to the proposed Storm Drainage Ordinance and fees.

Mayor Pro Tem Souter voiced concern on the monthly stormwater fee and recommended that the stormwater study be funded through the existing Certificates of Obligations. There was a lengthy discussion among the City Councilmembers regarding the funding of the stormwater study and the adoption of a monthly stormwater fee.

The following citizens spoke on this matter:

Margaret Houston, 140 Patterson Avenue, expressed her opinion that some City policies could be interpreted to be discriminatory toward multi-family residents.

Margaret Spencer, 140 Patterson Avenue, asked the City Council to reconsider imposing any stormwater fees.

Lucien Bolduc, 201 Primrose Place, informed the City Council that it is better to impose a fee and not borrow any money over a period of time.

Councilman Rosenthal asked Mr. Eddy if there was any information on other communities in relation to stormwater fees. Mr. Eddy stated that he researched other neighboring communities on collection of stormwater fees and it was inconsistent.

Councilwoman Harwell suggested if the stormwater development and monthly fees may be considered during the budget process. Councilmember Kiel agreed that it may be considered during budget preparation to avenue options of the fees.

Mr. Eddy informed the City Councilmembers that the presentation was only a briefing and that the Storm Drainage Ordinance could be adopted without a monthly stormwater fee. The City Council then directed Mr. Eddy to proceed with the process for the adoption of a Storm Drainage Ordinance with the proposed stormwater development fee, but without a monthly stormwater fee. Mr. Eddy stated that the City Council would consider a finding related to the

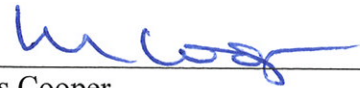
regulation of storm drainage on March 23, 2009 and would consider the Storm Drainage Ordinance and stormwater development fee at its regular meeting on April 13, 2009, following public hearings on the subject and publication of the ordinances in the newspaper on three (3) separate occasions as required by state law.

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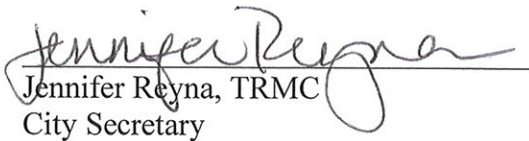
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There being no further business, the Mayor called for a motion to adjourn the regular City Council Meeting. Councilwoman Harwell made a motion to adjourn, seconded by Mayor Pro Tem Souter and the motion was unanimously approved. Mayor Cooper adjourned the meeting at 8:20 p.m.



Louis Cooper  
Mayor



Jennifer Reyna, TRMC  
City Secretary